

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7695 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HANSALPUR GRAM PANCHAYAT

Versus

STATE OF GUJARAT

Appearance:

MR CHETAN K PANDYA for Petitioner

MR KT DAVE, AGP for Respondent No. 1 & 2.

Respondent no.3 is permitted to be deleted.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/09/98

ORAL JUDGEMENT

Leave to delete respondent no.3

Rule. Service of rule waived by Mr. K.T. Dave,
Ld. AGP for the respondents nos. 1 and 2.

2. The grievance of the petitioner is that inspite
of the fact that the revision application u/S. 211 of

the Bombay Land Revenue Code is pending before the Special Secretary to the Government, the disputed land is sought to be used for the purpose of construction of building centre. It is the case of the petitioner that the site of the Gauchar land has been changed without hearing the petitioner or without following the procedure with regard to obtaining of the petitioner's consent in respect of change of such site.

3. Having heard the learned advocate for the petitioner as well as learned A.G.P. for the State, I am of the opinion that when the revision application in respect of the subject matter is pending, this petition may not be entertained at this stage, although necessary directions with regard to maintaining the status-quo need be issued. Following order is, therefore, passed :-

The revision application which is pending before the Special Secretary of the Government in respect of the subject matter of this petition will be decided as expeditiously as possible, preferably within a period of 4 weeks from the date of receipt of writ of this direction. In the meantime, the respondents will see to the status-quo being maintained in respect of the land in question. Subject to this direction, rule is discharged. No order as to cost. DSP.

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